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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,743	06/29/2001	David Israel	2013.0040000	3343
26111	7590	01/10/2006	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			HARPER, KEVIN C	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,743

Applicant(s)

ISRAEL ET AL.

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14, 17, 18, 20, 23-26 and 28-32 is/are allowed.
- 6) ☒ Claim(s) 15, 16, 19, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments, filed October 12, 2005, with respect to the rejection of claims 15-16, 19 and 21-22 as amended have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Jennings, Smith and Fukushima.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 15-16, 19 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings et al. (US 2004/0025186) in view of Smith et al. (US 2002/0133247) and Fukushima et al. (US 2003/0009717).

1. Regarding claim 15, 19 and 21, Jennings discloses a system for providing audio on an egress audio channel over a network (fig. 2). The system comprises a first and second internal audio source (fig. 2, item 206 and 208; para. 4, lines 3-6 and para. 20, lines 6-7), a packet switch coupled to the internal audio sources (item 214; para. 143), where the switch includes an inherent network interface controller (para. 143, lines 1-2; note: inherent interface to support communication to the outside network). The sources generate IP packets each having an audio payload and control header information (para. 152 and 192; note: RTCP includes standardized synchronization and sequencing information in the RTP header).
2. However, Jennings does not disclose that the network interface controller controls transmission of the packets on the egress channel over the network. Smith discloses a noiseless or seamless switching of media streams (figs. 1 and 5, para. 60, lines 1-3; para. 62). Therefore, it

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would have been obvious to one skilled in the art at the time the invention was made to control seamless switching between audio streams in the invention of Jennings in order to avoid delay in switching between streams (Smith, para. 9-11).

3. Further, Jennings in view of Smith does not disclose that the network interface controller keeps header information of IP/RTP packets. Fukushima discloses a network interface controller (fig. 7, items 13a and 32-33) for keeping header information of IP/RTP packets associated with egress packets in sequence (para. 133, lines 4-18; para. 8, lines 1-2 and 6-8). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a interface controller for keeping header information of IP/RTP packets in the invention of Jennings in view of Smith in order to properly assign sequence numbers to the egress packets (Fukushima, col. 8, lines 6-8; para. 126, lines 5-10).

4. Regarding claim 16, in Jennings a control signal is used to start stream generation (para. 140, last three lines; para. 138, lines 1-4; para. 143, lines 3-6).

5. Regarding claim 22, the audio sources convert audio from an external source (para. 147, lines 1-2).

Allowable Subject Matter

6. Claims 1-14, 17-18, 20, 23-26 and 28-32 are allowed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

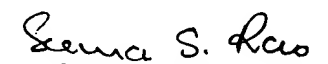
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

January 8, 2006



SEEMA S. RAO 1/8/06
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800